

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of

Petition of the California Public Utilities	)	
Commission and the People of the State	)	CC Docket No. 99-200
Of California for Waiver of the Federal	)	
Communications Commission's	)	
Contamination Threshold Rule	)	
	)	

**COMMENTS OF  
MPOWER COMMUNICATIONS CORP.  
ON CPUC PETITION FOR  
WAIVER OF CONTAMINATION THRESHOLD**

Mpower Communications Corp. ("Mpower") hereby submits its Comments on the issues raised by the California Public Utilities Commission ("CPUC") Petition for Waiver of Contamination Threshold ("Petition"), pursuant to the Federal Communications Commission ("Commission" or "FCC") Public Notice released October 24, 2002.

**I. Introduction**

Mpower supports efficient number conservation efforts, however, Mpower believes the waiver requested by the CPUC would cause carriers and customers alike significant problems and would be neither efficient nor effective.

**II. "Shared" 1,000 Blocks Cannot Be Tracked**

Numbers have long been tracked at the 1,000 block level so returning uncontaminated 1,000 blocks is not a problem. If companies have been assigned more

numbers than they need and numbers are assigned carefully, companies should be able to return uncontaminated 1,000 blocks when requested. This happens now. Should number blocks be significantly contaminated, however, as the CPUC petition requests, companies would have to make unacceptable choices because numbers are not loaded and tracked individually or in 10's or 100's. They are loaded and tracked by 1,000 blocks. If a 1,000 block is assigned to another company, Mpower records this but can no longer track the numbers used in that block.

More specifically, numbers are categorized as “native” or “ported.” When NPA/NXXs are loaded into the switch – by 1,000 block – the switch recognizes those NPA/NXXs as its “native” numbers. When a number is “ported” in from another company, the program requires that the new, “non-native” number be identified as “ported” before it can be entered into the switch. If 1,000 blocks of Mpower “native” numbers are partially assigned to another company, neither switch will be able to tell which numbers are “native” or “non-native” to its switch and therefore, who is using which numbers in the 1,000 block. If they are Mpower’s native numbers, the Mpower switch will accept them as its own numbers even if they are ported in.

Each company would be able to see that a number was “in use” but could not tell which numbers were their customers’ numbers and which numbers were being used by customers of the other company. They would all look the same – like “native” numbers. Since the switches could no longer tell which numbers were “native” and which were “non-native” or “ported” for those 1,000 blocks being shared, for the bi-annual NRUF reports, the “sharing” companies could only report numbers “in use” in those blocks.

Each company would have to report the same commingled group of total numbers. Thus, the NRUF reports would also become inaccurate.

This situation would continue unless or until companies could develop new programs for their switches and new allocation programs for the administration of telephone numbers and other affected programs which would recognize smaller number units than 1,000 blocks for loading “native” numbers and thus, tracking company number usage. Changes could be needed for the LERG and other programs as well. The vastly increased program sizes needed to deal with smaller units of numbers could lead to system capacity issues. Even if these changes can be made, however, there would be considerable expense and downtime.

New programs require the re-indexing of the entire system. Re-indexing the system requires that the system be out of service. Mpower also incurs a \$25,000 non-recurring charge for re-indexing, in addition to the programming costs and other labor and expense charges. Thus, time, outages and significant expense would be required. Due to the widespread impact, new industry standards would probably be required as well.

Given the unsatisfactory nature of this situation, a company’s only other choice would be to change customers’ numbers to numbers in 1,000 blocks they retain. Customers oppose having to change their telephone numbers. Number change is particularly unsatisfactory to small business customers. Consequently, both customers and carriers would be negatively affected by granting of the CPUC’s request. Instead of a “win-win” situation, it would be a “lose-lose” situation. This is not an effective way to obtain the availability of new numbers

### **III. All Numbers are Not Equal**

The CPUC discusses the unused numbers in already assigned 1,000 blocks as if they are generally available if only the companies would give them back so they could be shared. Not only is this not technically feasible at this time but the need for numbers varies considerably by rate center. If many of the numbers the CPUC is counting are in rate centers where there is not a high demand for new numbers, the Numbering Administrator is not going to need additional numbers in those locations and is not going to ask companies for their return.

Further, companies are required to have some numbers in each rate center they serve even if a large number of its customers use ported numbers and the company does not need to dip heavily into its assigned numbers. The traditional system provides for assignment of 10,000 number blocks except in declared “emergencies.” Thus, typically, an incumbent local exchange carrier (“ILEC”) received several 10,000 number blocks, upon request. Even competitive local exchange carriers (“CLECs”) typically are assigned 10,000 blocks of numbers for each rate center they intend to serve. This is not because carriers request 10,000 numbers, however, but because the system traditionally has operated in this manner.

Mpower supports 1,000 block number assignment and the return of needed 1,000 blocks that were assigned to companies that do not need them. Mpower has returned a number of 1,000 blocks it was assigned prior to implementation of 1,000 block assignments. It also has received a 1,000 block of numbers on occasion.

The non-use of some numbers in contaminated 1,000 blocks is neither the “fault” of the companies nor the salvation of an inefficient system that was developed in an

earlier time when circumstances were less challenged by competition and technological innovation. The assignment of numbers in 1,000 blocks is sensible and efficient, however, the sharing of numbers within 1,000 blocks is not efficient or effective. Mpower, therefore, does not support the proposed sharing of 1,000 blocks and believes the CPUC waiver request should be denied.

#### **IV. Other Solutions Would Be More Effective**

Although Mpower realizes the CPUC probably developed its request for 1,000 block sharing because of consumer opposition to additional overlays and geographic splits, either of those plans would be technically easier to implement and functionally more effective than the proposed sharing of 1,000 number blocks. Further, those plans are not the only alternative solutions to the need for more numbers. Number portability significantly reduces the need for each carrier to have large blocks of numbers. In fact, number portability is the single biggest reason that CLECs and ILECs even have 1,000 blocks of numbers to return or share.

Number portability, however, continues to be confined to rate centers. Even before the 1996 Act, the industry had developed a plan for number portability between different types of services, as well a geographic number portability beyond rate centers. Such expanded number portability, whether within states or even nationally, has been in the planning stages for years. If implemented, it could effectively reduce the need for additional numbering resources.

The 1996 Act spurred the formation of numerous competitive companies -- all needing numbers in each rate center served -- as well as encouraging product innovation which uses additional telephone numbers. Thus, the complexity of implementing these

additional plans has increased significantly. Nevertheless, moving forward on such plans would be more useful than diverting resources to re-programming the handling of 1,000 blocks in all affected programs and equipment.

## **V. Conclusions**

Sharing numbers at the 1,000 block level would prevent companies from being able to distinguish the numbers they were using from the numbers the other company was using without significant and expensive programming of switches, number allocation programs and other affected programs. These resources would be better spent on moving forward with long-planned phases of additional number portability between different types of services and between geographic regions outside of rate centers.

The CPUC plan for sharing significantly contaminated 1,000 blocks of numbers is not workable as proposed and the CPUC request should be denied.

Respectfully submitted,

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